

ATTACHMENT A: FINDINGS AND CONCLUSIONS FOR PROPOSED PERIODIC REVIEW FINDINGS OF ADEQUACY OF THE TOWN OF CATHLAMET SHORELINE MASTER PROGRAM

Findings of Adequacy Submittal accepted December 21, 2022; Resolution No. 431-22
Prepared by Department of Ecology on February 8, 2023

Use of this Document

The Department of Ecology (Ecology) Findings and Conclusions (Presented herein as Attachment A) provide the factual basis for our decision on Town of Cathlamet's proposed Finding of Adequacy to their Shoreline Master Program (SMP) as a result of their periodic review. This document is divided into three sections: Findings of Fact regarding the periodic review history and process, Conclusions of Law, and Decision.

Brief Description of Proposed Action

The Town of Cathlamet (Town) has submitted to Ecology for approval a legislative resolution containing Findings of Adequacy concluding that no Shoreline Master Program (SMP) amendments are needed to comply with periodic review requirements. The Town opted to use the joint review process set forth in WAC 173-26-104 for this periodic review. As part of this process¹ on December 7, 2022 Ecology provided the Town with a written statement of initial concurrence finding that the Town's existing SMP remains consistent with the policy of the Shoreline Management Act (SMA) and applicable rules.

FINDINGS OF FACT

Need for action

The Town's SMP was comprehensively updated in July 2019. The updated SMP regulates approximately 2.3 miles of shoreline along the Elochoman Slough and Cathlamet Channel portions of the Columbia River, a shoreline of statewide significance.

This formal action is needed to comply with the statutory deadline for a periodic review of the Town's SMP pursuant to RCW 90.58.080(4). Under WAC 173-26-090(3)(e)(i), Ecology must issue formal approval to conclude the periodic review process.

Amendment History, Review Process

The Town prepared a public participation program in accordance with WAC 173-26-090(3)(a) to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines.

¹ WAC 173-26-104(3)(b)

Key components of the Town's public participation efforts include the project [webpage](#)² with background, status, upcoming events, and review materials, a public open house event, a stakeholder email list, as well as a 3-week long community survey. While the Town did not conduct SEPA review or GMA noticing, as not required, the project outreach distribution list included all the typical agency, tribal, and local organizations that would have been otherwise notified. The Town was diligent in keeping the webpage updated and sending multiple email announcements about project status and involvement opportunities.

The Town used Ecology's checklist of legislative and rule changes to review amendments to chapter 90.58 RCW and department guidelines that have occurred since the master program was comprehensively updated, and to determine if local amendments were needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i). The Town reviewed changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them in accordance with WAC 173-26-090(3)(b)(ii). The Town considered whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data in accordance with WAC 173-26-090(3)(b)(iii).

Documentation provided by the Town shows that as part of early project scoping, the Town summarized and provided responses to the issues raised by the community survey results and this information was presented as part of their Periodic Review Checklist. These issues addressed the SMP goals, general policies, and regulations, as well as specific provisions for public access, vegetation conservation, water quality, shoreline modifications including restoration and enhancement, specific use and developments including recreation, and critical areas protections for wetlands, fish and wildlife habitat conservation areas, and flood hazards. Upon consideration of the concerns and suggestions provided, the Town concluded that no SMP revisions were needed and proceeded with drafting their findings of adequacy.

The Town frequently consulted with Ecology and solicited input throughout the process including opportunities to comment on draft materials from July to October 2022.

Joint Review

The Town and Ecology held a joint local-state comment period on the checklist and a draft resolution with findings of adequacy following procedures outlined in WAC 173-26-104. The comment period began on October 20, 2022 and continued through November 21, 2022. A hybrid public hearing before the Town Council was held on November 21, 2022, at 6:00 p.m., in-person at the Cathlamet Fire Hall DeBriar Meeting Room and virtually via Zoom.

The Town provided notice to local parties, including a statement that the hearing was intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii). An affidavit of

² <https://www.townofcathlamet.com/planning-zoning-1-1/shoreline-smp>

publication provided by the Town indicates notice of the hearing was published on October 20, 2022, in the *Wahkiakum Eagle*.

Ecology distributed notice of the joint comment period to state interested parties on October 11, 2022, including separate invitations to provide comment and consult government to government sent to the Cowlitz Indian Tribe, Confederated Tribes of Grand Ronde, and Confederated Tribes and Bands of the Yakama Nation.

No written comments or verbal testimony were received.

Initial Determination of Consistency

As part of this review, the Town chose to utilize the joint review process set forth in WAC 173-26-104. After the joint local-state comment period and hearing, the Town must submit the proposed action to Ecology for initial review. Ecology is required under WAC 173-26-104(3)(b) to provide the Town with an initial determination of consistency with the policy of the SMA and applicable rules. The proposed draft resolution containing findings of adequacy were received by Ecology for initial state review and the submittal was verified complete on December 6, 2022.

Ecology reviewed the record and prepared an initial determination that the findings of adequacy are consistent with the policy of the SMA and applicable guidelines. A written statement of initial concurrence was sent to the Town on December 7, 2022.

Local Adoption and Submittal to Ecology

With passage of Resolution #431-22 on December 19, 2022, the Town adopted the findings of adequacy and authorized staff to forward the final submittal package to Ecology for formal approval.

State Review and Approval Process

Ecology is required to determine if SMP submittals are complete and in compliance with Washington Administrative Code (WAC) 173-26-090(3)(d) and -100. The proposed findings of adequacy contained within Resolution #431-22 were received by Ecology for state review and verified as complete on December 21, 2022; this began our state review process.

At the conclusion of our formal review, Ecology's Director must decide to approve the SMP periodic review findings of adequacy as submitted, approve it with required and/or recommended changes, or deny approval.

Findings of Adequacy Review

When the local government final action is to adopt findings of adequacy, Ecology must follow the adoption procedures of WAC 173-26-120 and review the findings of adequacy solely for consistency with RCW 90.58.080(4) and WAC 173-26-090.³

³ WAC 173-26-090(3)(e)(iii)

According to RCW 90.58.080(4), the local government must conduct a review of their SMP to: assure that the SMP complies with applicable laws and guidelines in effect at the time of the review and assure consistency of the SMP with the local government's comprehensive plan and development regulations. The Town used our periodic review checklist to demonstrate compliance with applicable laws and guidelines and found that no substantive modifications to the Town's Comprehensive Plan or development have occurred since the completion of the SMP comprehensive update.

Consistency with Chapter 90.58 RCW

The proposed findings of adequacy have been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(4). The Town has also provided evidence of its compliance with SMA procedural requirements contained in RCW 90.58.090(1) and (2).

Consistency with applicable guidelines (Chapter 173-26 WAC, Part III)

The proposed findings of adequacy have been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines including WAC 173-26-090. This included review of a SMP Periodic Review Checklist, which was completed by the Town.

Consistency with SEPA Requirements

The Town determined the findings of adequacy are exempt from State Environmental Policy Act review based on WAC 197-11-800(19), which covers resolutions or ordinances "relating solely to governmental procedures and containing no substantive standards respecting use or modification of the environment", or "text amendments resulting in no substantive changes respecting use or modification of the environment."

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted, Ecology concludes that the Town's proposed findings of adequacy are consistent with the requirements of RCW 90.58.090(4) and the applicable SMP guidelines (including WAC 173-26-090).

Ecology concludes that the Town has complied with the requirements of RCW 90.58.130, WAC 173-26-090, and WAC 173-26-104 regarding public and agency involvement in the SMP review process.

Ecology concludes that the Town has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the Town's SMP periodic review findings of adequacy submittal to Ecology was complete pursuant to the requirements of WAC 173-26-090 and WAC 173-26-104.

Ecology concludes that we have complied with the state's procedural requirements for review and approval of shoreline master program periodic review findings of adequacy as set forth in RCW 90.58.080(4)(a) and WAC 173-26-090, WAC 173-26-104, and WAC 173-26-120.

Ecology concludes that with this action the Town has completed the required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26).

DECISION

Based on the preceding, Ecology approves the Town's SMP periodic review findings of adequacy. With this approval, Ecology affirms the Town has completed the requirement for a periodic review under RCW 90.58.080(4).